


# Sample Manifestation Determination Meeting Summary & Worksheet

 <p>south dakota DEPARTMENT OF EDUCATION Learning. Leadership. Service.</p>	Special Education Programs	<b>MANIFESTATION DETERMINATION Meeting Summary and Worksheet</b>
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**Note: This worksheet is intended to assist the IEP team in completing a manifestation determination and the Manifestation Determination form. It is not intended to replace the Manifestation Determination form.**

Student Name:	Date:	
School:	Grade	DOB:

IEP Team Members Present	Position

Date of incident that gave rise to this suspension:	
Number of days student had been suspended this school year prior to this incident:	
Number of days of suspension for this incident:	

It is not the purpose of a manifestation determination to decide if the student did what he/she is accused of doing or to decide what the student's punishment should be. The team's task is to determine whether there is a causal relationship between the behavior for which the student was suspended and the student's disability (or a suspected disability of which school had knowledge before incident). To accomplish this task, the team should discuss the following points. Please document the team's discussions.

<b>Review the student's placement and the student's IEP service minutes and goals. Was the student receiving all the services set forth in the student's IEP?</b>
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**Review the behavioral history of the student.**

**Review the incident that gave rise to the student's suspension.**

**What preceded the incident?**

**What was the student's role in the incident?**

**What steps could or should have been taken to avoid the incident, and by whom?**

**Does the student have a behavior intervention plan?**

**Was it being followed?**

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**Do the parents have other information the team should know about the student's current functioning?**

**Then answer the two questions in step 2 of the manifestation determination form.**

**In answering question one,** "Was the conduct in question caused by, or did it have a direct and substantial relationship to, the student's disability?" the following additional considerations may be helpful:

- ✓ Was the behavior that gave rise to this suspension ever a concern previously for this student?
- ✓ Was discussion of the behavior included in the student's evaluation and disability determination?
- ✓ Was the behavior addressed in the IEP and/or BIP?

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**Then answer question two,** "Was the conduct in question the direct result of a failure to implement the student's IEP?"

If the team has determined that the student was receiving all the services set forth in the student's IEP, and the BIP, if any, was being followed, then the answer to question two is "no."

If the student's IEP was not being fully implemented, however, then the team must determine whether that failure contributed to the conduct that gave rise to the suspension. The team should consider:

- ✓ If the IEP had been fully implemented, could the conduct that gave rise to the suspension still have occurred?
- ✓ If the IEP had been fully implemented, would the conduct have been less likely?

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Once the team has answered both questions in Step 2, check the box indicating whether the behavior **is** or **is not** a manifestation of the student's disability. (*If either answer is "yes," then the behavior is a manifestation of the student's disability.*)

If the behavior **is** a manifestation of the student's disability, then the student must be returned to the placement from which he or she was removed as part of the disciplinary action unless the parents and the LEA agree to change the child's placement as part of the BIP, or unless special circumstances (weapons, drugs, or serious bodily injury) are involved and the school has been notified that an alternative placement has been arranged.

The IEP team should also consider the following:

- ✓ Does the student need an FBA?
  - If so, has the team prepared a Notice of Educational Reevaluation?
- ✓ Does the student's preexisting FBA need updating?
  - If so, what arrangements have been made to update the FBA?
- ✓ Does the student's preexisting BIP need updating?
  - If so, can the IEP team do it at this meeting or do you need to schedule another IEP meeting?
- ✓ Should changes be made to the student's IEP to reduce the chance of future behavior incidents?
  - If so, can the IEP team do it at this meeting or do you need to schedule another IEP meeting?

If this suspension results in 11 cumulative days of suspension or more, what arrangements have been made for providing the student alternative education services during this suspension or future suspensions this school year? (Note: merely sending work home is not sufficient. "Alternative education services" may take the form of *supervised* homework, tutoring, online work, or other options.)

Check this box to indicate parent received a copy of the Manifestation Determination form.